

2. The total area of internally illuminated signage shall not exceed twenty-five (25%) percent of the permitted sign area for the master planned development.

3. Internally illuminated signs shall conform to all other applicable provisions of the Town of Amherst sign regulations with respect to design, placement, presentation and other regulated features.

4. Only one internally illuminated sign shall be permitted per physically separated business unit and shall replace another otherwise permitted sign.

5. One free-standing internally illuminated sign shall be permitted per development and shall be equal in all other regulated aspects to the free-standing sign it shall replace excepting for the illuminated area limitation of twenty-five (25%) percent as in provision (2) above.

6. The area of the internally illuminated sign shall not exceed the area of the sign it shall replace for the business or development.

7. No internally illuminated sign may be erected within three hundred (300) feet of any residential zone within the Town. 3-12-91

8. No internally illuminated sign erected as part of a sign master plan may be illuminated until the full master plan is implemented, unless a phasing plan is approved by the Board.

Section 3-5 _____

Section 3-6 Mobile Homes and Trailers

The use as a permanent residence of a house trailer or a mobile home is permitted in all zones of the Town which permit residential uses, and within and subject to the criteria of a Planned Residential Development, and subject to SECTION G, WATER POLLUTION CONTROL REGULATION for the TOWN OF AMHERST. (3-10-64/3-10-87) 3-8-88 (3-11-03)

Travel Trailers, as determined by the State Tax Commission, may be stored unoccupied in all zones of the Town. 3-12-64

Section 3-7 Building Regulations

No building or structure shall be erected, unless in compliance with the following:
3-14-67

- A. See separate BOCA Building Code. (3-10-98)
- B. On all new buildings, construction must be at least 75% complete before occupied as a dwelling, as determined by the Administrative Official. (As amended 3-11-80) 3-14-89
- C. No building permit for a new dwelling shall be issued unless it meets State mandated minimum size requirements.(As amended 3-11-80/ 3-11-86) 3-12-91

Section 3-8 Earth Material Removal

A. Authority

Clay, loam, sand, gravel, minerals, and similar earth materials may be removed for either private use, or for sale from any lot parcel of land in any zoning district, except the Historic District and Wetlands Conservation District, only after special permit for such operation has been issued by the Zoning Administrator, in accordance with the provisions of this section. (3-4-75) 11-2-82

B. Application

No Earth Material Removal permit shall be issued unless application is made in writing on the forms provided for this purpose by the Town and accompanied by the payment of a fee in such amount as the Board of Selectmen may determine from time to time. The application form shall be accompanied by a plan which describes the proposed Earth Material Removal operation. 3-4-75

C. Procedure

Prior to the approval or denial of an Earth Material Removal permit application, the Selectmen or their agent, shall hold a public hearing. The applicant and all abutters within five hundred (500) feet of the parcel or parcels proposed to have earth material removed, shall be notified of the time and place of such hearing, not less than five (5) days prior to the date affixed for said hearing. 3-4-75

In order to ensure the applicant's performance in adherence with these regulations, the applicant shall post a bond with the Town of Amherst in such amount as the Board of Selectmen may determine from time to time. Such bond shall not be less than five hundred dollars (\$500) per acre and shall be posted prior to the issuance of said permit. 3-4-75

During the period of the permit, the Zoning Administrator shall conduct on-site inspections of the earth material removal operation plan. Not less than sixty (60) days prior to the expiration of the permit, the Zoning Administrator shall conduct a compliance review. This review shall indicate what action is necessary by the operator to: 3-4-75

1. Close out the operation within the permit period in conformance with the plan, or 3-4-75
2. Be eligible to apply for a renewal of the Earth Material Removal Permit. 3-4-75

If the operator requests a renewal of his permit, the new application together with an amended operation plan shall be submitted at least forty-five (45) days prior to the expiration of the current permit. 3-4-75

If, at the expiration of the permit, the operator has failed to carry out the reclamation of the site as required by this Ordinance in conformance with the operation plan and permit, the bond posted by the operator shall be forfeited and the proceeds used to carry out the reclamation of the site. If the reclamation is performed in accordance with the operation plan, the bond shall be returned to the operator upon establishment of the cover crop for two (2) full growing seasons or earlier upon certification of the Hillsborough County Conservation District. 3-4-75

D. Standards

All work executed under an Earth Material Removal Permit shall conform to the following standards:

1. No excavation shall occur within fifty (50) feet of any property line, road right-of-way or zoning district boundary in which district earth material removal is not permitted and the natural vegetation shall be retained in this buffer area. 3-4-75
2. All finished grades shall in no case be steeper than (2:1 horizontal/vertical) slope. 3-4-75
3. No land shall be excavated below the seasonal high water table except as part of a plan to develop water conservation or recreational uses. This plan must be submitted at the time of application together with a written review of the plan conducted by the Hillsborough County Conservation District. 3-4-75
4. The excavation shall proceed in a manner which will not allow it to hold standing surface water in excess of two (2) inches in depth except as approved as part of a surface water absorption system designed to minimize surface water runoff. 3-4-75
5. Upon completion of all excavation, the entire site shall be re-spread with loam to a depth of four (4) inches or the average depth of loam prior to the commencement of excavation, whichever is less. Loam sufficient to meet this requirement shall be stockpiled on the excavation site. 3-4-75

6. Unless a special waiver is granted at the time the permit is issued, the land area disturbed by the operation and in an unrestored condition shall not exceed a total of five (5) acres at any one time. 3-4-75

7. When the removal of material is completed, the finished grades, as specified in the approved plan shall have a permanent cover crop established, except when ledge rock is exposed, to assure adequate drainage and prevent erosion. 3-4-75

8. All excavating, handling, processing, and storage facilities shall be removed, the land cleared of all stumps, logs, brush, and rocks, the final grades indicated on the plan established and the site reclaimed prior to the expiration of the Earth Material Removal Permit unless application has been made and approval granted for the renewal of the permit. 3-4-75

9. All earth material removal operations shall be maintained in a safe condition at all times. No overhanging banking, potential earth slides, or any other unsafe condition shall be permitted at any time. 3-4-75

E. Exceptions

The removal of loam, sand, gravel, clay, and other similar materials from a site shall require an earth removal permit. The following activities conducted on a lot or site shall not require an earth material removal permit:

1. The removal of less than two hundred (200) cubic yards of material.
(3-4-75) 11-2-82 (3-11-03)

Section 3-9 Reduced Frontage Lots

No building permit shall be issued for any structure on any lot within any subdivision approved subsequent to March 4, 1975 which includes any streets, driveways, or highways associated with reduced frontage lots unless such private driveways shall have been constructed in a fashion consistent with the requirements of the Town of Amherst subdivision regulations as adopted from time to time by the Town of Amherst Planning Board dealing with construction requirements and specifications for private driveways. 3-10-87

NOTE: See Town of Amherst Subdivision Regulations, Section 5-2. (3-4-75) 5-1-82

Section 3-10 Use Group Classifications

A classification system is necessary in order that appropriate fire, health, building regulations can be recognized and applied to proposed new structures or those to be altered.

A. Scope The provisions of this section shall control the classification of all buildings and structures as to use groups.

B. The provisions of this section shall not be deemed to nullify any provisions of the Zoning Ordinance.

C. General All buildings and structures shall be classified with respect to use in one of the use groups listed below and such existing or proposed use shall be specified on the application for permit.

1. Use Group A. Assembly
2. Use Group B. Business
3. Use Group E. Educational
4. Use Group F. Factory and Industrial
5. Use Group H. High Hazard
6. Use Group I. Institutional
7. Use Group M. Mercantile
8. Use Group R. Residential
9. Use Group S. Storage
10. Use Group U. Utility and miscellaneous.

D. Doubtful use classification When a building or structure is proposed for a use not specifically provided for, the use classification shall be in the use group which it most nearly resembles, and the building or structure shall meet the health and safety requirements of that group.

E. Mixed uses and occupancy When a building is proposed to be occupied for two or more uses, the provision of associated codes securing the greater public health and safety shall be applied.

F. Incidental uses Where the use is supplemental to the main use of the building and the area devoted to such use does not occupy more than ten percent (10%) of the floor area, the building shall be classified according to the main use. 3-8-88

Section 3-11 Scenic Setbacks

A. Purpose The purpose of this section is to preserve and enhance the rural, open character of the Town as viewed from the main roads leading through the Town and scenic roads within the Town and to prevent unsightly development along these routes.

B. Regulations To accomplish the purpose of this section, a setback requirement for all structures of one hundred (100) feet from the highway right-of-way is established

on the following roads, and said setbacks shall apply notwithstanding any other set-back requirements which may be applicable as a result of other zone regulations: 3-2-76

1. Rte 122 from Hollis Town line north to Old Rte 101, Horace Greeley Highway. (3-14-00)
2. Boston Post Rd from Stearns Rd north to Route 122
3. Boston Post Rd from Beaver Brook north to Mt. Vernon Rd.
4. Mt. Vernon Rd from Boston Post Rd north to Mt. Vernon Town line
5. Amherst Street (3-9-99) (3-14-00)
6. Horace Greeley Highway from Milford Town line north to Bedford Town line. (3-9-99)
7. New Boston Rd from Boston Post Rd north to Mt. Vernon Town line
8. Christian Hill Rd from Davis Lane to Route 13
9. Corduroy Rd from Merrimack Rd north to Boston Post Rd..
10. Merrimack Rd from Boston Post Rd north to Corduroy Rd.
11. Mack Hill Rd from Manchester Rd north to Austin Rd.
12. All scenic Roads (see Section E) 3-2-76

C. Exceptions to Scenic Setback Requirements

1. Any person aggrieved by the operation of this section may apply to the Board of Adjustment for a variance here from in like manner as in other situations where the existence of a hardship is alleged. 3-2-76

2. In the event that a lot of record, at time of passage of this section, is of such size and dimension that the application of the foregoing setback in combination with all other setbacks as may be required for such lot precludes the use of more than sixty percent (60%) of the area of such lot, then the foregoing one hundred (100) foot setback shall not apply to such lot; however, if a lot qualifies for this exception and is also subject to Non-Residential Site Plan Review by the Planning Board, the Planning Board shall determine that appropriate provision has been provision has been provided so as to reasonably achieve the purpose of this section as set forth in Paragraph A above. 3-2-76

3. The regulations set forth herein, are intended to apply only to the construction of new structures which takes place on and after the effective date of this section. Any dwelling or other structure which was in existence at the time of passage of this section, may be enlarged, modified, or otherwise altered without the necessity of complying with the requirements of this section, provided that such alterations do not reduce the setback from the front lot line to an amount less than the setback which exists on the building to be altered. Provided further, however, that such construction or alterations must comply with any other setback requirements applicable in the respective zones other than the scenic setback. (3-2-76) 3-9-82